

**United States Government
National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL**

Advice Memorandum

DATE: July 17, 1997

TO : Robert H. Miller, Regional Director
Region 20

FROM : Barry J. Kearney, Associate General Counsel
Division of Advice

SUBJECT: Union of Needletrades, Industrial & Textile
Employees (Peerless Clothing USA)
Case 20-CC-3314

This case was submitted for advice as to whether the Union violated Section 8(b)(4)(ii)(B) by picketing Men's Warehouse stores, a secondary employer.

We agree with the Region that the Union's picketing of Men's Warehouse violated Section 8(b)(4)(ii)(B) of the Act.¹ The Union's dispute is with Peerless Clothing, not Men's Warehouse. However, the Union's picketing did not fall within lawful Tree Fruits² activity because its picket signs failed to "identify the struck product with sufficient clarity to enable consumers to know what products they are being asked to eschew."³ One picket sign read "Don't Sell Injustice" and the other read "Sign the Guarantee"; neither sign identified Peerless or its product. The other sign names Peerless as a supplier of the Employer, but fails to specify its product. Thus, the consumers could not know from the picket signs what products they are being asked to avoid. Further, although one handbill identifies one of Peerless' products as Chaps by Ralph Lauren, the Board has held that leaflets do not cure unlawful picketing, since "[t]he realities of the situation demand that the legality of the Union's appeal be judged by a reading of the signs.

¹ [FOIA Exemption 5

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² NLRB v. Fruit and Vegetable Packers & Warehousemen, Local 760 (Tree Fruits Labor Relations Committee, Inc.), 377 U.S. 58 (1964).

³ Meat Cutters Local 248 (Milwaukee Ind. Meat Packers Ass'n), 230 NLRB 189, 203 (1977), enfd. 571 F.2d 587 (7th Cir. 1978).

The prohibitions of 8(b)(4)(B) are applicable unless the picket signs themselves adequately inform potential customers of the actions they are asked to take."⁴

B.J.K.

⁴ Id., at 189 n.3 (citation omitted)